

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of March 27, 2007. In this response, Applicants amended selected claims and presents clarifying remarks believed to remedy the Examiner's rejections and place the claims in condition for allowance. Specifically, claims 1, 7, 20, 21 and 25 have been amended.

Reexamination and reconsideration are respectfully requested.

I. **35 U.S.C. § 112 Rejections**

In the Office Action, claims 1-8, 10 and 20-25 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

The Examiner rejected the claims under § 112, first paragraph, finding that "[i]t is unclear how the first flange alone can surround the periphery of the wheel or opening since the first flange is only around a portion of the periphery of the opening in the disclosed embodiment and the first wall is around the rest of the other portion of the periphery of the opening" (see Office Action, page 3).

Applicants have amended claim 20 to recite "a periphery of said opening is surrounded by the lower flange." This limitation is similar to that of claim 1. Applicants again respectfully direct the Examiner's attention to FIGURE 3 from Applicants' disclosure, which is copied below.

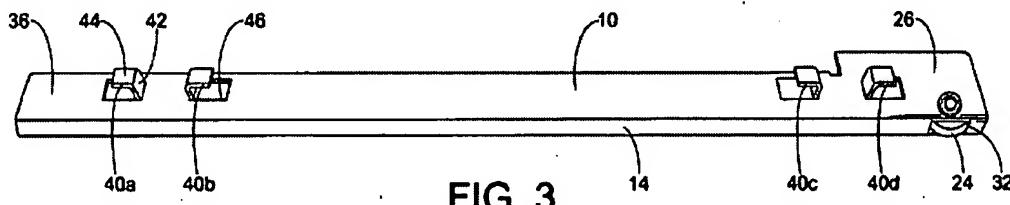


FIG. 3

As seen in FIGURE 3, the opening 32 has its periphery surrounded by the lower flange 14. The opening 32 also receives the wheel 24. Specifically, Figure 3 shows a material bend line which separates the main wall 10 and the flange 14. Applicants agree with the Examiner that the opening is rectangular in shape having four peripheral

sides. Applicants submit that each of the peripheral sides are spaced from the material bend line. Thus, Applicants assert that FIGURE 3 clearly shows that the first flange 14 surrounds the periphery of the opening 32. In view of the above, the subject matter of independent claim 20 was described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Accordingly, Applicants respectfully request that the Examiner remove the § 112, first paragraph, rejection.

Claims 1-8 and 10 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to the rejection of claim 1 under § 112, second paragraph, claim 1 has been amended to recite "the second portion of the first flange" to further clarify that the wheel is interposed between the first wall and the second portion of the first flange. The second portion (leg 20) of flange 14 is shown in Figure 4 of applicants' specification. Accordingly, Applicants respectfully assert that independent claim 1 has been amended to overcome the § 112, second paragraph, rejections.

II. Claim Rejections - 35 U.S.C. §103(a)

Claims 1-8, 10 and 20-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marzolf (US Patent 2,293,210) in view of Lautenschlager (US Patent 4,919,548) and in view of Wen (US Patent 5,470,144). Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Marzolf in view of Lautenschlager and in view of Domig (US Patent 5,890,784). Claims 1-8, 10 and 21-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marzolf in view of Lautenschlager and to Domig as applied to claim 20 and in view of Wen.

Claim 1 is amended to recite, in pertinent part, that the first tab includes a first portion extending away from the second side of the first wall and a second portion extending from the first portion in a first direction and spaced from and substantially parallel to the first wall. A second tab includes a first portion extending away from the first wall and a second portion extending from the second tab first portion in a second direction opposite the first direction and spaced from and substantially parallel to the

first wall.

Claim 20 is amended to recite, in pertinent part, that the first tab includes a first portion extending away from the second side of the first wall and a second portion extending from said first portion in a first direction and spaced from and substantially parallel to the first wall. A second tab extends outwardly from the first wall in a second direction which is opposite the first direction.

Applicants submit that amended claims 1 and 20 now define over the prior art. Particularly, Applicants submit that neither Domig nor Wen show for fairly suggest first and second tabs extending in respective first and second opposite directions. Conversely, Domig discloses a guide rail 1 including a lug 11 projecting along a longitudinal axis of the rail and a lug 13 having a downwardly pointed free end 14. Wen discloses two embodiments of a cabinet runner. As shown in Figures 10-12 of Wen, a single rail assembly 2 includes a fixed rail 21 having a vertical plate 22. Both ends of the fixed rail 21 are provided with a front hook 24 and a rear hook 25, between which a connection-and-fixed hook 26 is provided. The rear hook 25 and fixed hook 26 extend in the same direction along a longitudinal axis of the rail 21. The front hook 24 extends downwardly and normal to the longitudinal axis. As shown in Figures 13-15 of Wen, a multi-rail assembly 3 includes a fixed rail 31 having a vertical plate 33. Both the front and rear ends of the outer side of the vertical plate 33 are furnished with two front hooks 36 and two rear hooks 37 respectively. A connection-and-fixed hook 38 is located between the front and rear hooks 36 and 37. Similar to the first embodiment of Wen, the rear hooks 37 and fixed hook 38 extend in the same direction along a longitudinal axis of the rail 31. The front hooks 36 extend downwardly and normal to the longitudinal axis.

Claims 1 and 20 are also amended to recite, in pertinent part, that the first and second tabs engage a side wall of a cabinet and provide a predetermined spacing between the first wall and the cabinet side wall.

Again, neither Domig nor Wen show for fairly suggest first and second tabs engaging a cabinet side wall to provide a spacing. Rather, Domig teaches that the guide rail 1 is attached to the supporting strap 2 by positioned the lug 11 into a hole 9 of

the strap and the lug 13 into a web 6 of the strap. With reference to Figures 2 and 19 of Wen, Wen teaches that in the single rail assembly 2, the front hook 24 and the rear hook 25 of the fixed rails 21 are hooked into hook holes 61, 71 on vertical front and rear supporting frames 6, 7 of a cabinet 9. In the multi-rail assembly 3, the front hook 36 and the rear hook 37 of two fixed rails 31 are hooked into the same hook holes 61, 71 on the front and rear supporting frames 6, 7. In order to have the single rail assembly 2 and the multi-rail assembly 3 mounted firmly in place, the left and right sides of the inner wall of the cabinet 9 are installed with a fixed-rail positioning frame 8, which has a plurality of hook holes 81 to receive the connection-and-fixed hooks 26 and 28.

Further, Applicants submit that Marzolf teaches away from the first and second tabs, particularly tabs which engage a side wall of a cabinet to provide a predetermined spacing between the first wall and the cabinet side wall. Rather, Marzolf teaches a suspension 31 comprising a fixed rail 33 and a moveable rail 34. The fixed rail is attached to a wall 24 of a cabinet 11. The moveable rail 34 is attached to a drawer side 14. As shown in Figures 1-3 of Marzolf, no space is provided between the fixed rail 33 and the wall 24 and the moveable rail 34 and the side 14. Thus, Marzolf does not relate to a concept that would cause one of ordinary skill in the art to seek to modify the express teaching of Marzolf with the tabs of Domig and/or Wen in a manner that fairly teaches the present application. The desired result of the first and second tabs of the present application is the elimination of a separate spacer in the cabinet. This is not the case in Marzolf, nor would such an arrangement be desirable.

Because one skilled in the art would not be prompted to use the teachings of Domig and/or Wen with Marzolf, it is not fair to conclude that the teachings can be properly combined. Simply stated, the references cited by the Examiner fail to teach or suggest all the limitations of the pending claims. In view of the above, Applicants respectfully request that the Examiner remove the §103(a) rejections and allow the application to issue. Accordingly, claim 1 and claims 2-8 and 10 dependent thereon, and claim 20 and claims 21-25 dependent thereon, are in condition for allowance.

CONCLUSION

All formal and informal matters have been addressed. For the reasons detailed above, it is respectfully submitted all claims remaining in the application are now in condition for allowance.

If any additional fees are due, the Commissioner is authorized to charge our Deposit Account No. 06-0308.

In the event the Examiner believes a telephone call would expedite prosecution, he is invited to call the undersigned.

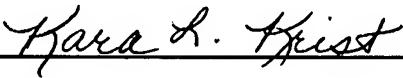
Respectfully submitted,

FAY SHARPE LLP

Date: 7/3/07



James E. Scarbrough (Reg. No. 47,056)
1100 Superior Avenue - 7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582 (phone)
(216) 241-1666 (facsimile)

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being	
<input checked="" type="checkbox"/>	deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
<input type="checkbox"/>	transmitted to the USPTO by facsimile in accordance with 37 CFR 1.18 on the date indicated below.
Express Mail Label No.:	Signature: 
Date: July 3, 2007	Name: Kara L. Krist